

**REMARKS/ARGUMENTS**

Reconsideration of this application are respectfully requested. Currently, claims 1-34 are pending in this application.

**Request to Acknowledge Claim for Foreign Priority:**

The present application claims priority from (JP) application no. 2003-132275 filed May 9, 2003. Applicant respectfully requests that the next Office Action explicitly acknowledge this claim for foreign priority under 35 U.S.C. §119 and receipt of the certified copy of the priority documents.

**Substitute Specification:**

A substitute specification and a marked-up copy of the substitute specification showing all changes relative to the immediate prior version of the specification are attached hereto. Applicant hereby states that the substitute specification includes no new matter.

**Allowable Subject Matter:**

Claims 10-18 have been indicated as being allowable.

The Office Action also indicated that claims 4, 5 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By this Amendment, claims 4 and 8 have been rewritten in independent form including limitations of base claim 1. Claim 5 remains dependent from claim 4. Claims 4, 5 and 8 are thus allowable.

**Rejections Under 35 U.S.C. §102 and §103:**

Claims 1-3 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by NakaMats (U.S. '998). Applicant respectfully traverses this rejection.

For a reference to anticipate a claim, each element must be found, either expressly or under principles of inherency, in the reference. All of the claim limitations required by independent claim 1 are not found in NakaMats. For example, NakaMats fails to disclose “the displayed image appearing as a mixed color formed from the predetermined color of the emitted light from the first light-emitting elements and the color of the emitted light from the second light-emitting elements,” as required by independent claim 1 and its dependents.

NakaMats discloses a swing device for producing a two-dimensional display. The device includes a row of red LEDs 2 and a row of green LEDs 2'. The red LEDs 2 may be illuminated to display a red color for the characters STOP. The green LEDs 2' may be illuminated to display a green color for the characters GO. Two circuits 5 and 5' control the red LEDs 2 and the green LEDs 2', respectively.

In NakaMats, only the red LEDs 2 are illuminated to display the characters for STOP. On the other hand, only the green LEDs 2' are illuminated to display the characters for GO. The characters for STOP are completely in red and the characters for GO are completely in green. NakaMats fails to teach or suggest producing a color (such as orange or yellow as described in Fig. 12 of the application) which appears as a mix of

the colors of the red LEDs 2 and the green LEDs 2'. The present invention required by claim 1 is thus capable of producing a greater variation of colors.

Accordingly, Applicant respectfully submits that claims 1-3 are not anticipated by NakaMats and respectfully requests that the rejection of these claims under 35 U.S.C. §102 be withdrawn.

Claims 6-7 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over NakaMats. Claims 6-7 depend from claim 1. As discussed above, NakaMats fails to teach or suggest all of the claim limitations required by independent claim 1 (and thus required by dependent claims 6 and 7). Applicant therefore respectfully requests that the rejection of claims 6-7 under 35 U.S.C. §103 be withdrawn.

**New Claims:**

New claims 19-34 have been added to provide additional protection for the invention. Similar to independent claim 1, new method claim 19 requires, *inter alia*, "the displayed image appearing as a mixed color formed from a first color of emitted light from light-emitting elements of one of the plurality of light-emitting element sets and a second color which is different from the first color, of emitted light from light-emitting elements of another one of the plurality of light-emitting element sets." Similar to allowable claim 4, independent claim 21 requires, *inter alia*, "the optical guide includes a first face opposing the light-emitting surfaces of the light-emitting elements, and a second face opposite from the first face, the second face being matte-finished to diffuse the light propagating through the optical guide." Similar to allowable claim 8, independent claim

25 requires, *inter alia*, “the control section is operable to begin activating each of the light-emitting elements of each set, each time the ball is moved out of the first or second position.” Independent claims 27 and 30 require, *inter alia*, “the image displayed having multiple colors.” Since the characters of STOP are completely in red and the characters of GO are completely in green, NakaMats fails to disclose or suggest an image having multiple colors (as exemplified in Fig. 13 of the present application).

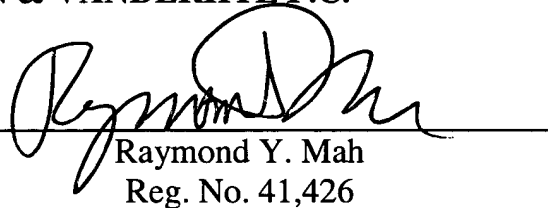
**Conclusion:**

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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